IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.640 OF 2004
IN
NOTICE OF MOTION NO.2140 OF 2004
IN
SUIT NO.2130 OF 2004

Indian Metal & Ferro
Alloys Limited & Another .. Appellants.
V/s.
Malethil Suresh Kumar & Ors. .. Respondents.

Ms.Fereshte Sethna with Ms.Dipti Das i/b. Dunmorr Sett for the appellants.

Mr.A.V. Anturkar with K.R. Iyengar for respondent Nos.1 to 4 and 6 to 8.

Mr.C.N. Chavan for respondent No.11.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 26TH OCTOBER, 2004.

P.C. :

During the course of motion hearing, Mr.A.V. Anturkar, the learned counsel for respondent Nos.1,2,3,4,6,7 and 8 made a categorical statement before us that the immovable properties owned by the said respondents have been set out in details in annexure '1' annexed with the affidavit of the first respondent dated October 20, 2004 and that the said respondents shall not create any further encumbrance in respect of the said immovable properties.

2. The learned counsel for the said respondents also made a statement before us that save and except the immovable properties details of which have been given in annexure ‘1’ annexed with the affidavit dated October 20, 2004, there are no other immovable properties owned by the said respondents.

3. We record and accept the submission of the learned counsel for respondent Nos.1,2,3,4,6,7 and 8 and direct that until disposal of the Notice of Motion No.2140 of 2004, the said respondents shall not create any further encumbrance in respect of the immovable properties, details of which have been given in annexure ‘1’ annexed with the affidavit dated October 20, 2004.

4. We expect the learned motion Judge to hear and decide the Notice of Motion No.2140 of 2004 expeditiously.

5. With the aforesaid observation, the appeal is disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)